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C O N F I D E N T I A L SECTION 01 OF 02 DUBLIN 000258

SIPDIS

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TAGS: [EAIR](#) [ECON](#) [PREL](#) [PGOV](#) [EI](#)  
SUBJECT: DHS SECRETARY NAPOLITANO MEETS IRISH MINISTERS OF  
TRANSPORT AND JUSTICE

REF: A. DUBLIN 203  
[1](#)B. DUBLIN 204

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Classified By: CDA Robert Faucher; Reasons 1.4 (B) and (D).

Summary

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[1](#)1. (C) On June 29, Secretary of Homeland Security Janet Napolitano met with Irish Transport Minister Nel Dempsey and Irish Justice Minister Dermot Ahen in Dublin. Dempsey and Napolitano discussed th bilateral pre-clearance negotiations. Dempsey oted that cooperation with the U.S. has been admrable, but he unhapily pointed out recent "last minute surprises," most importantly the possibility that some flights pre-cleared in Ireland may be restricted to landing in international airports. The Secretary said that it is still the U.S. government's intent to allow such flights to fly into domestic airports, presuming the final details get resolved. The Secretary and Ahern discussed the importance of moving ahead rapidly with both criminal and terrorist data-sharing agreements. Ahern said that the more informal these arrangements, the better for his government, unless there were an overarching U.S.-EU agreement. Napolitano stressed that the USG is moving forward with bilateral agreements because the pace of the U.S.-EU negotiations is too slow. Ahern informed the Secretary that the Irish government was in the process of taking two Guantanamo detainees, was working more cooperatively on extradition issues, was interested in the fate of the "undocumented" Irish, and was none too pleased with the latest Trafficking in Persons (TIP) Tier 2 ranking. End Summary.

Transport Minister Dempsey

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[1](#)2. (C) Minister Dempsey highlighted the "cooperative spirit" of the pre-clearance negotiations. However, he pointed out a few issues that have "come up at the last minute." Most importantly, he worried about recent information indicating that flights pre-cleared in Ireland would not be able to land at domestic terminals in the U.S. He indicated that Secretary Chertoff had personally confirmed that all precleared flights could fly to ANY U.S. airport, domestic or international, and that this had formed the basis of the negotiations for the Irish side. The Secretary responded it was her understanding that it is still the case that pre-cleared flights will be able to access any U.S. airport, saying "that is our intent" because she expects the final issues to be satisfactorily resolved. In widely reported comments to the press, Napolitano re-stated Chertoff's formulation that pre-cleared flights could go to any U.S. airport.

[1](#)3. (C) On a different topic, Dempsey referred to "assurances" given by the U.S. side during negotiations that only one or

two bags per plane would be retrieved during check-in and said that the carriers were concerned that the pre-clearance program may require more bag retrievals from the hold of the plane than previously expected. This change would be expensive for the airlines he said, adding that since pre-clearance is a voluntary program, the carriers might choose not to participate if the costs became too great. The Secretary responded that this is "more of a problem in anticipation than in reality." Dempsey nodded, saying that the Irish "have the same interest in making this work. We'll figure this out."

14. (C) Dempsey said the use of dogs in the pre-clearance area came as "a bit of a surprise and came from nowhere." He said it was presented as "something that was simply going to happen rather than something that was up for discussion." Dempsey indicated that for this to work his Department would need to have clearances from many parts of the Irish government. The Secretary replied that, while she was not part of the original negotiations, DHS was required to "duplicate what we do at, say, JFK." Dempsey said he could accept that and pointed out that an Irish team would travel to Washington later in July for meetings to finalize preparations for the opening of pre-clearance operations at Shannon.

15. (C) Dempsey said that the Irish could accept some of the outstanding TSA operational issues (e.g., the screening of footwear) providing these took place within the pre-clearance area. Napolitano said there should be ample room within the confines of this area for the government of Ireland to man a second checkpoint for U.S.-bound passengers.

16. (C) The Secretary stressed the importance of greater information-sharing bilaterally and said she hoped that

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Dempsey would discuss this with his colleagues. He said he would. In response to Dempsey's question, the Secretary said that, even if there is a drop-off in the number of flights from Shannon in the winter, the U.S. government is still committed to the program and will provide the necessary level of staffing.

Justice Minister Ahern

17. (C) After some discussion of U.S. immigration reform prospects, the Secretary pressed Minister Ahern on the importance of promptly concluding bilateral agreements on criminal and terrorist data-sharing. Ahern indicated that the government is constrained because they have to work within an EU context and that any official agreement would have to pass through the Irish parliament. He indicated that "informal arrangements are best" from his government's perspective and that there is quite good ad hoc data exchange between the U.S. and Irish security services. Ahern was aware that the two sides held an initial meeting on the sharing of terrorist information and that the U.S. was awaiting a response to its proposal. The agreement is currently being reviewed by the Irish Attorney General's office, he said.

18. (C) Ahern said that the agreement's prospects were tied into U.S.-EU discussions and inferred that the EU would take this issue up after the next meeting of the High Level Contact Group on data privacy. The Secretary said that the U.S. was committed to these data privacy negotiations but they have been going on for some time and "terrorism has not been put on hold." For this reason, the bilateral process needs to move forward. Ahern indicated that the current bilateral negotiations would not be held up by the U.S.-EU talks.

19. (C) Ahern pointed out that Irish society "was pretty open and that, if this were to be made a formal arrangement, the government would need to take it to Parliament." This

requirement, he said, would complicate the process. The Secretary said that Ireland has much to gain from these agreements as well and said both sides should get started now. Ahern agreed.

¶10. (C) Ahern informed the Secretary of Ireland's willingness to take two Guantanamo detainees (Ref B) and said that the Cabinet took the official decision to do so just last week. Now resolution is more of a "mechanical exercise," he said. He also indicated that, while extradition issues have been problematic in the past, things are working better now and he did not foresee any more difficulties. Finally, Ahern expressed his extreme displeasure with the U.S. government's latest Trafficking in Persons (TIP) report in which Ireland remained in Tier 2. He said he was especially frustrated that his government had taken many steps to counter human trafficking but that this did not seem to be recognized. The Secretary indicated she would convey the information to the Department of State.

¶11. (SBU) This message has been cleared by Secretary Napolitano's staff.

FAUCHER